

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MYRA S. SMITH,

Plaintiff,

-against-

CITY OF NEW YORK,

Defendant.

No. 1:23-cv-08229 (JLR) (RWL)

ORDER

JENNIFER L. ROCHON, United States District Judge:

Plaintiff brings this action against Defendant asserting claims of discrimination (based on race, ethnicity and age), retaliation, harassment, and obstruction of justice. Read liberally, Plaintiff moved for preliminary injunctive relief based on two declarations filed on July 25, 2024. Dkt. 26. Before the Court is the report and recommendation of Magistrate Judge Robert W. Lehrburger dated October 1, 2024, ECF No. 38 (the “Report and Recommendation” or “R&R”), recommending that Plaintiff’s motion be denied. Under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), Defendant had fourteen days, and Plaintiff had seventeen days, from the service of the Report and Recommendation to file written objections. *See also* Fed. R. Civ. P. 6(d) (adding three additional days when service is made by mail). That time has expired, and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error. *See Gomez v. Brown*, 655 F. Supp. 2d 332, 341 (S.D.N.Y. 2009) (noting that, with respect to “uncontested portions of a report and recommendation, a district court need only satisfy itself that there is no clear error on the face of the record”). “A decision is ‘clearly erroneous’ when the reviewing Court is left with the definite and firm conviction that a mistake has been committed.” *Royal Park Invs.*

SA/NV v. Deutsche Bank Nat'l Tr. Co., No. 14-cv-04394 (AJN), 2018 WLL 1750595, at *21 (S.D.N.Y. Apr. 11, 2018). Having reviewed Judge Lehrburger's report, the Courts finds it to be free from clear error. Therefore, the Court adopts the Report and Recommendation of Judge Lehrburger in its entirety and denies the motion for a preliminary injunction.

Dated: October 25, 2024
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge